

3. I have won major journalism awards in the U.S. and Asia for my work at the *Financial Times*, including the top prize for investigative reporting at the 2015 Society of Publishers in Asia and a U.S. Society for Professional Journalism Sigma Delta Chi Award in 2016. I have also been short-listed for eight other journalism awards, including twice at the British Press

Awards. My critically acclaimed book *The Looting Machine*, about the modern plundering of Africa, won an Overseas Press Club of America award.

4. On May 16, 2018, I contracted with HarperCollins UK to research and write the Book. Among other topics, the Book explores allegations of corruption, bribery, and other wrongdoing by Petitioner Eurasian Natural Resources Corporation Limited (“ENRC”). These allegations have been the subject of in-depth investigations by the UK’s Serious Fraud Office (“SFO”), and have been publicly discussed for years, both in the press and in public legal proceedings brought by ENRC.

5. I also signed a contract with HarperCollins US to publish the same Book in the United States; however, HarperCollins US had more limited involvement in the drafting and review of the Book.

6. Because of the sensitive subject matter of the Book, I worked with a number of sources who were not comfortable publicly identifying themselves in print, fearing that there could be retaliation from the powerful companies and individuals mentioned in the Book. I address the issue of my unnamed sources in the Prologue of the Book as follows:

In the cases when sources would only speak on condition of anonymity, they are described with as much detail as possible without making them identifiable. Occasionally, all that can be said is that the source of a particular fact is a confidential interview. This is because the source in question could face reprisals for revealing what he or she knew. While anonymous sources are not ideal, especially in a book about the nefarious power of secrecy, it is important for those whom others would wish to silence to have their voice in this way, subject to the author’s best efforts to test their credibility.

Exhibit A to this Declaration, a true and correct copy of the Book, has been sent via mail to the Honorable Judge Ramos’s chambers and opposing counsel’s office.

7. In order to protect the identities of my unnamed sources, I closely guarded any materials that could conceivably reveal their identities. For example, I took heightened security measures even when transmitting drafts of the Book to my publishers.

8. Some of the drafts and manuscripts of the Book that ENRC seeks in its Amended Subpoena contain information that could identify my unnamed sources, and/or information these sources provided to me in confidence. I take very seriously my responsibility as a journalist to safeguard this information.

9. In the course of drafting the Book, I reached out to ENRC to request comment on facts involving the company that I was considering including in the Book, and provided ENRC's U.K.-based counsel, Taylor Wessing, with a 33-page document setting forth these facts.

10. On May 8, 2020, Taylor Wessing sent me a letter, alleging that my 33-page document contained confidential information, yet failing to specify which information from the document was allegedly confidential. Attached hereto as Exhibit B is a true and correct copy of this May 8, 2020 letter.

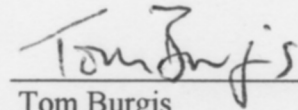
11. On May 15, 2020, I responded to Taylor Wessing's letter via email, explaining in great detail how much of the information from the 33-page document was already part of the public record—namely in public court filings and published news articles. Attached hereto as Exhibit C is a true and correct copy of my email correspondence with Taylor Wessing from May 8, 2020 until June 2, 2020—which includes the May 15 email.

12. On May 27, 2020, Taylor Wessing sent me another letter, purporting to disagree with some of my assertions about the public nature of the information—but not providing any specifics or support. Attached hereto as Exhibit D is a true and correct copy of this May 27, 2020 letter.

13. I responded to Taylor Wessing via email on June 2, 2020, stating: "I have carefully reviewed what you have said in your original letter, as well as the information about your client which has passed into the public domain in journalism and court filings, and am satisfied that the text to be published does not reference information which remains confidential to your client." A true and correct copy of this June 2, 2020 email is included within the aforementioned Exhibit C.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief.

Executed on: November 23, 2020
London, England


Tom Burgis